

REMARKS

This paper is filed in response to the telephonic Examiner Interview dated 08 November 2011 and the Examiner Interview Summary dated 15 November 2011. Claims 10-18, 20 and 22 have been withdrawn. Claim 1 has been amended. Claim 2 is original. Claim 23 is new. Claim 3, 5-7, 19 and 23 are previously presented. Claims 4, 8 and 9 have been cancelled. Therefore, claims 1-3, 5-7, 19, 21 and 23 as amended are pending, and Applicant respectfully requests reconsideration and allowance thereof.

Claim amendments

Claim 1 has been amended to clarify that the binder is a film-forming polymeric binder consists of the components listed in claim 4. Acrylic modified alkyds have also been included, support can be found on page 11 line 29). Further, combinations of the components is supported on page 12, line 22. Therefore no new matter has been added.

§102(b) Rejections

Claims 1-7, 19 and 21 are rejected under 35 USC 102(b) as being anticipated by Miyata (US 4,710,551) in view of evidence provided by Bejoy (Hydrotalcite article) and evidence provided by Koyanagi et al (US 3,669,946).

Applicant submits that the Miyata reference fails to disclose several claimed limitations according to the claims as amended, and therefore the instant §102(b) rejection is improper and must be withdrawn.

Miyata discloses a vinyl chloride monomer that implements a hydrotalcite compound as a stabilizer in the suspension polymerization of this monomer. One of ordinary skill in the art will appreciate that poly vinyl chloride cannot be considered to be an inherent film-forming organic polymeric binder. Indeed, Applicants have clarified the scope of the film-forming organic polymeric binder as made from those components previously listed in claim 4. One of ordinary skill in the art appreciates that a coating composition with a film-forming binder requires selection of suitable polymer materials of which vinyl chloride is not one.

Therefore, the instant §102 rejection in view of Miyata is improper and should be withdrawn.

Claims 1-8, 19 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Rohrbaugh et al (US2002/0028288) in view of evidence provided by Bejoy (Hydrotalcite article).

Specifically, the Rohrbaugh reference does not disclose a stain blocking water borne coating composition comprising an organic binder, wherein the total amount of the water borne organic polymeric binders is 20-80% by weight, based on the total weight of the water borne coating composition. Nor does the Rohrbaugh reference disclose a coating composition that prevents water extractable substances contained in the substrate from leaching into the coating composition, as required by claims 1 and 22 as amended.

While the present invention requires 4-80% by weight of a film-forming organic polymeric binder, the Rohrbaugh discloses a system in which a water borne binder is not required, and in fact also not disclosed. In paragraphs 0011 and 0012 of Rohrbaugh it is specifically disclosed that, unlike several cited prior art systems such as the ones disclosed in US4,173,480 and US4,868,048, in the system disclosed in Rohrbaugh a “binder is not required to apply the nanoparticle to the surface.” In fact, the Rohrbaugh reference discloses mixing and/or dispersing nanoparticles in a carrier medium. (*See, e.g.*, paragraphs 0019, 0020, 0021). A carrier medium is not the same as a film forming binder material; for example water can be a carrier medium.

The Examiner asserts that paragraph 0091 of Rohrbaugh (Applicant believes this should be paragraph 0090) discloses “adjunct materials that can be from 0.01-99.99% by weight of the composition. The adjunct materials include polymers (organic binders) (paragraph 0252).”

Applicant disagrees with such an assumption that polymers in paragraph 0252 includes film-forming organic binders as required by the claimed invention. Applicants have further amended claim 1 to include “wherein the one or more film-forming organic polymeric binders is selected from the group consisting of acrylic and styrene-acrylic dispersions, vinyl acetate copolymer dispersions, alkyd emulsions, polyurethane dispersions, water borne hybrids between urethane and acrylic polymeric dispersions, and UV-curable water borne polymer dispersions, acrylic modified alkyd, and combinations thereof.” Applicant submits that these binders are not disclosed contemplated in Rohrbaugh. Applicant maintains that

Rorhbaugh does not disclose binders at all. For brevity's sake, Applicant hereby reincorporates previously asserted arguments in Applicant's response dated 26 October, 2011.

In sum, Applicant respectfully submits that the §102 rejection is improper and should be withdrawn. Applicant believes that the amended claims are patentable and that the instant application should now move to allowance.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-5380, referencing the docket number shown above.

Pursuant to MPEP §502.03, authorization is hereby given to the USPTO to communicate with Applicant's representative concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. Applicant's representative, Coraline J. Haitjema, can be reached at email address haitjemac@hoyngmonegier.com.

The Examiner may also contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,

/chaitjema/

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